INVOCATION:         Councilman Jeff Roberts
RESPECTS TO FLAG:        Mayor Terence Roberts
SPECIAL RECOGNITIONS: Sergeant Ken Blakely
                       Sergeant Cornelius Pickens
                       Sergeant Bradley Whitfield
                       Corporal Cory Barrow
                       Corporal Jonathan Dickerson
                       Corporal Austin Mills
                       Corporal Blake Vaughn

Approval of Minutes of July 23, 2018

A. OLD BUSINESS:

1. Request second reading of Ordinance 18-11 to annex and zone to R-5, Single-Family Residential, 1704 South Murray Avenue Extension.

2. Request second reading of Ordinance 18-12 to amend Chapter 82 of the Anderson City Code.

3. Request consideration of an ordinance to rezone 1805-1811 and 1806-1808 Edgewood Avenue from R-5 Single Family to RM-18 Multi-Family.

B. NEW BUSINESS:

1. Request consideration of Police Department application for Justice Assistance Grant (JAG) Program regarding Street Level Criminal Apprehension Program.

2. Request consideration to purchase vehicles for the Wastewater Department.

3. Request consideration of an ordinance approving a project agreement and a credit agreement with project accommodation; authorizing the disposition of real property; consenting to placement of real property into multi-county industrial or business park; authorizing the execution and delivery of additional documents; and other related matters.

C. ADMINISTRATIVE BRIEFING:

1. Upcoming Events

D. EXECUTIVE SESSION: Section 30-4-70(a)(5) – Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.
Executive Summary:

Sergeant Ken Blakely started his law enforcement career in 1993 with the Anderson County Sheriff’s Office. He was promoted to Sergeant over the Forensic division in 2005 and was hired as the Chief Fire/Arson investigator for the County Fire system in 2007. Sergeant Blakely came to the Anderson Police Department in 2013. He currently serves in the Criminal Investigations Division in forensics and serves on the Arson Task Force for the city. Sergeant Blakely also serves as an Instructor for the South Carolina Criminal Justice Academy, as well as the South Carolina Fire Academy.

Sergeant Cornelius Pickens joined the Anderson County Fire Service in 2006, as well as the explorer program with Medshore Ambulance Service. In 2009, he was hired by the Anderson County Emergency Services Division where he worked in the dispatch center. Corporal Pickens was hired by the Anderson Police Department in 2013 and was Rookie of the Year in 2014. He currently works on patrol’s Delta shift.

Sergeant Bradley Whitfield has worked for the Anderson Police Department since 2011. Corporal Whitfield is a graduate of Anderson College and Clemson University and is a Certified Fraud Examiner. He is currently assigned to the Criminal Investigations Division and is a part of the Economic Crimes Unit that investigates white collar crimes. Sergeant Whitfield is a Crime Stoppers award recipient and was the Anderson Police Department’s 2016 Officer of the Year.

Corporal Cory Barrow began his career with the Anderson Police department in April 2013. Corporal Barrow has worked as a patrol officer, an evidence technician, field training officer, and is currently a team leader for the SWAT team. He has been the recipient of the Officer of the Month and Crime Stoppers awards. Corporal Barrow serves in the Special Operations Division with his K9 partner Peppa.

Corporal Jonathan Dickerson started at the Anderson City Police Department in January of 2014. Corporal Dickerson is an active Field Training Officer and serves as a patrol officers, as well as a member of the city’s bike force. He is a certified firefighter and has been involved with Anderson County fire for 15 years.

Corporal Austin Mills has worked for the Anderson Police Department since 2014. He worked as a patrol officer until 2016, when he transferred to the Narcotics Division. Corporal Mills has received specialized training in development and management of informants, social media investigations, vehicle interdiction, verbal and body language analysis, and hotel and parcel interdiction. Corporal Mills is also certified in Meth lab cleanup and is a member of the Anderson Police Department SWAT team. Corporal Mills was a recipient of the Crime Stoppers Award in 2017.

Corporal Blake Vaughn began his law enforcement career with the Anderson County Sheriff’s office in 2009. After three years of service, Corporal Vaughn was promoted to the CATCH team enforcement unit. He joined the Anderson Police Department in January 2015 and was later assigned to the City’s Community Action Team, which focuses on street level crime enforcement and gang investigations. Corporal Vaughn currently serves as the property crimes investigator for the Criminal Investigations Division.

Action Requested: ___ X ___ Other
Regular Meeting  
July 23, 2018

The regular meeting of City Council was held this date in City Hall Council Chambers at 6:00 pm. In attendance were Mayor Terence Roberts, Mayor Pro Tem Thompson, Council Members John Roberts, Laughridge, Stewart, Chapman, Harbin, Newton and Jeff Roberts. Also in attendance were City Manager, Linda McConnell; Finance Director, Margot Martin; Police Chief, Jim Stewart; and Court Administrator, Kim Poulin. The invocation was given by Councilman Laughridge and respect to the flag was given by Councilman Harbin.

ELECTION OF MAYOR PRO TEM
Council Member Dr. Beatrice Thompson

City Manager, Linda McConnell said the Anderson City Code specifies that the mayor pro tem shall be elected from the council membership and shall serve a term of one year. The mayor pro tem serves in the absence of the Mayor and as a representative of the City and Council at events, functions, speaking engagements and other such duties and responsibilities otherwise attached to the office of Mayor.

As per Sec. 2-220. Mayor pro tempore.

   (a) Prior to July 1st of each year, or as soon thereafter as may be practicable, the council shall elect from its membership a mayor pro tem for a term of one year to run from July 1st to June 30th or until his or her successor is officially named and designated. The council shall elect the member who has served the longest period of time as council person and is willing to serve as mayor pro temore. The person elected shall not serve consecutive terms. The person elected shall have a minimum of two years service on council. The person elected shall be succeeded by the person next in length of service who is willing to serve as mayor pro temore. Should two members of council have equal service, the member with the earliest birth date shall serve first. The council shall have an election each year to name the next eligible member in the rotation. Should circumstances prevent the eligible member from serving, the member may maintain his position of seniority in the rotation for subsequent elections.

Based upon Sec. 2-220, the next Council member in rotation is Beatrice Thompson, who is willing to serve as Mayor Pro Tem.

A motion by Councilman Stewart seconded by Councilman Laughridge carried unanimously (9-0) to elect Council Member Thompson as Mayor Pro Tem to serve a one-year term.
APPROVAL OF MINUTES

A motion by Mayor Pro Tem Thompson seconded by Councilman John Roberts carried unanimously (9-0) to approve the minutes of July 9, 2018 and July 13, 2018 meetings as presented.

REQUEST CONSIDERATION OF ORDINANCE 18-11 TO ANNEX AND ZONE TO R-5, SINGLE-FAMILY RESIDENTIAL 1704 SOUTH MURRAY AVENUE EXTENSION

City Manager, Linda McConnell said the applicant requests to annex and zone the single-family dwelling into the City in order to receive City services. Recently, two neighboring properties, 1706 and 1709 South Murray Avenue Extension were also annexed into the City. The R-5 zoning classification is consistent with the zoning and land uses in the general area.

The Planning Commission considered this request on July 10th and unanimously recommended approval.

A motion by Mayor Pro Tem Thompson seconded by Councilman Laughridge carried unanimously (9-0) to approve Ordinance 18-11 to annex and zone to R-5, Single-Family Residential, 1704 South Murray Avenue Extension on First Reading.

REQUEST CONSIDERATION OF A REFERRAL TO THE PLANNING COMMISSION A PETITION TO REZONE 1805-1811 AND 1806-1808 EDGEWOOD AVENUE FROM R-5 SINGLE FAMILY TO RM-18 MULTI-FAMILY

City Manager, Lindal McConnell said the applicant proposes to rezone the existing multi-family dwellings to RM-18, Multi-Family Residential in order to bring them into zoning compliance. According to the applicant, this is needed for lending purposes from the bank. When the multi-family dwellings were constructed years ago, the property was zoned for multi-family uses, but the area was changed to R-5, Single-Family Residential in 1998 when the Zoning Ordinance went through a major revision. Therefore, the multi-family dwellings are currently non-conforming uses.

The Planning Commission will consider this request at their August 7th meeting.

A motion by Councilman Laughridge seconded by Councilman Newton carried unanimously (9-0) to approve a referral to the Planning Commission a petition to rezone 1805-1811 and 1806-1808 Edgewood Avenue from R-5 Single-Family to RM-18 Multi-Family.
REQUEST CONSIDERATION ORDINANCE 18-12 TO AMEND CHAPTER 82 OF THE ANDERSON CITY CODE

City Manager, Linda McConnell said Article III, Chapter 82 of the Code of the City of Anderson provides for ordinances pertaining to the operation of vehicles.

Pursuant to Section 82-7 of the City Code, the City of Anderson has adopted the state statutes pertaining to vehicles and traffic within the jurisdiction of the Municipal Court. S.C. Code Section 56-5-10 et. seq. is the Uniform Act Regulating Traffic on Highways. This statute sufficiently covers the operation of vehicles provided in Article III of the City Code. The statute also prohibits local ordinances in conflict with its provisions unless expressly authorized.

The repeal of Article III will make our traffic ordinances consistent with the Uniform Act Regulating Traffic. In addition, some grant applications may be more favorably received.

Police Chief, Jim Stewart and Court Administrator, Kim Poulin answered several questions from Council about the types of tickets issued and the percentage of fines that are submitted to the State of South Carolina.

A motion by Councilman Harbin seconded by Councilman Laughridge carried unanimously (9-0) to approve Ordinance 18-12 to amend Chapter 82 of the Anderson City Code on First Reading.

REQUEST CONSIDERATION OF A CONTRACT FOR REVENUE COLLECTION CONSULTING SERVICES

Finance Director, Margot Martin said the City solicited proposals from consulting firms to examine and analyze business activity within the City’s corporate limits that may necessitate a City business license and/or other local business taxes and fees as defined by the City. The City’s objective is to identify non-compliant businesses operating within the jurisdiction as well as any other licensing, associated fees and/or taxes that may be due. The RFP was issued May 15, 2018 with responses due back June 1, 2018.

The City had three responses and staff evaluated based on the following criteria: (1) Experience with past projects of comparable size, (2) professional personnel and adequate staffing levels, (3) ability to meet time and quality requirements, (4) recent, current and projected workloads, (5) location of office(s), and (6) total cost/reasonableness of fee proposal. Staff verified references including our peer cities of Florence, Spartanburg, and Myrtle Beach.

Currently the City has approximately 3,600 active business licenses on record. Increasing compliance among businesses engaging in local commerce, creates equitable sharing of license/tax responsibility. The Consulting company reviews revenue sources, utilizing a data driven, digital approach to research and identification to reveal non-compliant, commercial activity and facilitates the compliance process on behalf of the City. All collections are made directly to the City providing budget increases for current and future years.
The consulting company receives a commission based on the dollar amount of collections. Below is a summary of the proposed commission rates:

- NuStrat Analytics (Rock Hill, SC/High Point, NC) 38% of Collections – year one only
- Avenu Insights & Analytics (Birmingham, AL) 40% of Collections – year one only
- Southern Resource Advisors, LLC (Greensboro, NC) Fee Scale for year one based on amounts collected and 35% renewal fee for year two.

The City staff recommends awarding the three-year contract to NuStrat Analytics for revenue collection consulting service contract for the City of Anderson based on the fees and South Carolina references.

Councilman Stewart requests a report to Council in six months on the progress of NuStrat Analytics to increase business license revenue.

A motion by Councilman Harbin seconded by Councilman John Roberts carried unanimously (9-0) to award a three-year contract with NuStrat Analytics for revenue collection consulting.

REQUEST CONSIDERATION OF AN AGREEMENT AMONG THE CITY OF ANDERSON, ANDERSON COUNTY AND INNOVATE ANDERSON REGARDING THE CVB AND COUNTY SQUARE DEVELOPMENT

City Manager, Linda McConnell said the City of Anderson is a member of the public-private organization Innovate Anderson. Innovate Anderson established the Convention & Visitors Bureau. The City of Anderson and Anderson County have been the primary sources of funding for the CVB since its inception. Innovate Anderson’s long-term goal when establishing the Convention and Visitors Bureau, Visit Anderson, was to develop it and then transition it to a stand-alone entity, separate from the umbrella organization of Innovate Anderson. The Anderson County Convention and Visitors Bureau (ACCVB), Visit Anderson, has completed this transition. The City of Anderson plans to continue to contribute to the ACCVB/Visit Anderson to promote and support tourism in Anderson County from the City’s Accommodations Tax collections, a part of which must be allocated to the designated tourism entity.

Bobby Beville, Division Director for the City Parks & Recreation will serve on the Board of the ACCVB in an ex-officio capacity; additionally, the City will appoint two people from the hospitality/lodging industry to serve on the ACCVB as vacancies occur on the Board.

A motion by Councilman Chapman seconded by Councilman Jeff Roberts carried unanimously (9-0) to approve an agreement among the City of Anderson, Anderson County and Innovate Anderson regarding the CVB and County Square Development.
ADMINISTRATIVE BRIEFING

UPCOMING EVENTS

City Manager, Linda McConnell reminded Council of the following upcoming events and all meetings in July and August 2018.

July 26th – Concerned Citizens of Eastside
July 26th – AU Overlay District Public Meeting
August 7th – ABC (A Better Community) Meeting
August 9th – Anderson County Municipal Association Meeting
August 11th – Southeast Community Outreach Task Force – 14th Annual Back to School Bash
August 16th – Southeast Anderson Task Force meeting cancelled

ADJOURNMENT

A motion by Councilman Newton seconded by Councilman Harbin carried unanimously (9-0) to adjourn.

ATTEST:

___________________________       ___________________________
Terence V. Roberts       Margot B. Martin
Mayor                     City Clerk Treasurer
Title/Description: Old Business  


Executive Summary:

**Background:** The applicant requests to annex and zone the single-family dwelling into the City in order to receive city services. Recently, two neighboring properties, 1706 and 1709 South Murray Avenue Extension were also annexed into the City. The R-5 zoning classification is consistent with the zoning and land uses in the general area.

**Benefit:** N/A

**Funding:** N/A

**Recommendation:** Approval. The Planning Commission considered recommended approval and the City Council also approved this on first reading.

Action Requested:

___ Ordinance 1st Reading

___ Information Only

_X_ Ordinance 2nd Reading

___ General Approval

___ Other (Referral)
ORDINANCE NO. 18-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON TO AMEND THE CITY OF ANDERSON ZONING ORDINANCE BY ANNEXING AND ZONING 1704 SOUTH MURRAY AVENUE EXTENSION TO R-5, SINGLE-FAMILY RESIDENTIAL

WHEREAS, the City of Anderson has been petitioned by Olivia Ayala and Jose de Jesus Muniz to annex and zone 1704 South Murray Avenue Extension to R-5, Single-Family Residential which is more specifically described as follows:

All that certain piece, parcel or lot of land situate, lying and being in the County of Anderson, State of South Carolina and being shown and designated as containing five hundred nineteen one-thousandths (.519) of an acre, more or less, fronting seventy-five (75) feet on the west side of Ligon Street, running back there from on its Northern side for a distance of three hundred thirty-five (335) feet to a branch, on its Southern side two hundred sixty-eight and one-half (268 ½) feet to said branch, and being ninety-eight and one-half (98 ½) feet in width on its rear line along said branch, being fully shown and designated as Lot Thirty (30) on a certain plat made by W.H. Shearer, Surveyor, dated January 12, 1905, of record in the Office of the Clerk of Court for Anderson County, South Carolina in Plat Book 3-Z at Page 186. The metes, bounds, courses, and distances as shown upon said plat are incorporated herein by reference thereto. Reference being invited to said plat for a fuller more accurate description of the above described property.

This annexation also includes the section of South Murray Avenue Extension that fronts the subject property, as well as the portion of South Murray Avenue that fronts the property on that street.

WHEREAS, the City of Anderson Planning Commission reviewed the petition and recommended approval of the request.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:


2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

3. This ordinance shall take effective immediately upon its adoption by the Anderson City Council.
Title/Description: Old Business

Request second reading of Ordinance 18-12 to amend Chapter 82 of the Code of the City of Anderson.

Executive Summary:

Background:

Article III, Chapter 82 of the Code of the City of Anderson provides for ordinances pertaining to the operation of vehicles.

Pursuant to Section 82-7 of the City Code, the City of Anderson has adopted the state statutes pertaining to vehicles and traffic within the jurisdiction of the Municipal Court. S.C. Code Section 56-5-10 et. seq. is the Uniform Act Regulating Traffic on Highways. This statute sufficiently covers the operation of vehicles provided in Article III of the City Code. The statute also prohibits local ordinances in conflict with its provisions unless expressly authorized.

Benefit:

The repeal of Article III will make our traffic ordinances consistent with the Uniform Act Regulating Traffic. In addition, some grant applications may be more favorably received.

Funding:

N/A

Recommendation:

City Staff recommends that the Ordinance be passed.

Action Requested:

___ Ordinance 1st Reading
 ___ Information Only

____ Ordinance 2nd Reading
 ___ General Approval

___ Resolution
 ___ Other
ORDINANCE NO.__________

AN ORDINANCE OF THE
MAYOR AND COUNCIL OF
THE CITY OF ANDERSON
TO AMEND CHAPTER 82
OF THE CODE OF THE
CITY OF ANDERSON

WHEREAS, ARTICLE III, Chapter 82 of the Code of the City of Anderson provides for ordinances pertaining to the operation of vehicles, and

WHEREAS, pursuant to Section 82-7 of the City Code of the City of Anderson, the state statues pertaining to motor vehicles and traffic have been adopted by the City of Anderson, and

WHEREAS, it is the desire of the City of Anderson to repeal ARTICLE III of chapter 82 so that the operation of vehicles will be as provided in the S.C. Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

1. ARTICLE III of Chapter 82 of the Code of the City of Anderson is hereby repealed.

2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the inconsistency or conflict.

3. This ordinance shall take effect immediately upon the adoption of the Mayor and Council of the City of Anderson.
City of Anderson  
Council Agenda

Title/Description: Old Business

Request: Consideration of an ordinance to rezone 1805-1811 and 1806-1808 Edgewood Avenue from R-5, Single-Family Residential to RM-18, Multi-Family Residential.

Executive Summary:

Background: The applicant proposes to rezone the existing multi-family dwellings to RM-18, Multi-Family Residential in order to bring them into zoning compliance. According to the applicant, this is needed for lending purposes from the bank. When the multi-family dwellings were constructed years ago, the property was zoned for multi-family uses, but the area was changed to R-5, Single-Family Residential in 1998 when the Zoning Ordinance went through a major revision. Therefore, the multi-family dwellings are currently non-conforming uses.

Benefit: N/A

Funding: N/A

Recommendation: Approval. The Planning Commission considered this request at their August 7th meeting and unanimously recommended approval. There was no public opposition.

Action Requested:

X Ordinance 1st Reading  Information Only

Ordinance 2nd Reading  General Approval

Resolution  Referral
ORDINANCE NO. ____________________

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON TO AMEND THE CITY OF ANDERSON ZONING ORDINANCE BY REZONING 1805-1811 AND 1806-1808 EDGECOOD AVENUE FROM R-5, SINGLE-FAMILY RESIDENTIAL TO RM-18, MULTI-FAMILY RESIDENTIAL.

WHEREAS, the City of Anderson has been petitioned by Edgewood Townhomes, LLC to rezone 1805-1811 and 1806-1808 Edgewood Avenue from R-5, Single-Family Residential to RM-18, Multi-Family Residential which is more specifically described as follows:

LEGAL DESCRIPTION PENDING

WHEREAS, the City of Anderson Planning Commission reviewed the petition and recommended approval of the request.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:


2. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

3. This ordinance shall take effect immediately upon its adoption by the City Council of the City of Anderson.
City of Anderson Council Agenda

Title/Description: New Business

Request: The City of Anderson has been included on the allocation list to apply for a Justice Assistance Grant (JAG) Program in the amount of $21,097. The police department is requesting the funds to operate the Street Level Criminal Apprehension Program.

Executive Summary:

Background: The City of Anderson Police Department is requesting $21,097 in direct funding from the Justice Assistance Grant (JAG) Program for the purpose of hiring sworn officers to work overtime to practice pro-active law enforcement activities in Anderson, South Carolina. The name of the program for which the City of Anderson will apply for these funds is the Street Level Criminal Apprehension Program. This is the same program we have been funding with grant money since 1997.

Benefit: The primary goal of the Street Level Criminal Apprehension Program is to reduce the violent crime rate in the City of Anderson through saturated patrols of high crime areas. The program allows the department to take a proactive stance toward violent crime control by concentrating resources in areas that the crime rate and crime trends indicate that law enforcement is most needed.

Funding: This grant program does not require a match. The $21,097 will be applied toward the cost of overtime for sworn officers and non-sworn support personnel. The overtime to be funded by this program will be solely for street level criminal apprehension operations.

Recommendation: The City of Anderson Police Department is requesting approval to apply to the JAG Program in order to receive grant funding to operate the Street Level Criminal Apprehension Program.

Action Requested:

___ Ordinance 1st Reading                 ___ Information Only

___ Ordinance 2nd & 3rd Reading           ___ General Approval

___ Resolution                             ___ Other
Title/Description: New Business

Request consideration to purchase replacement vehicles for the Wastewater Department.

Executive Summary:

Background: As part of our capital replacement plan, we identified the need to replace one service truck and three operations trucks in FY2019. Bids were requested through the fleet managers office and all are state contract bids and no additional bids were received.

<table>
<thead>
<tr>
<th></th>
<th>Supplier</th>
<th>Cost</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4X2 Truck</td>
<td>Dodge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dodge</td>
<td>Cooper Motors</td>
<td>$24,863.00</td>
<td>Clinton, SC</td>
</tr>
<tr>
<td>Chevrolet</td>
<td>Love Chevrolet</td>
<td>$26,893.00</td>
<td>Clinton, NC</td>
</tr>
<tr>
<td>Ford F150</td>
<td>Vic Bailey Ford</td>
<td>Expired</td>
<td>Spartanburg, SC</td>
</tr>
<tr>
<td>4X4 Truck</td>
<td>Dodge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dodge</td>
<td>Cooper Motors</td>
<td>$29,722.00</td>
<td>Clinton, SC</td>
</tr>
<tr>
<td>Dodge</td>
<td>Performance Dodge</td>
<td>$32,314.00</td>
<td>Clinton, NC</td>
</tr>
<tr>
<td>Ford F150</td>
<td>Vic Bailey Ford</td>
<td>Expired</td>
<td>Spartanburg, SC</td>
</tr>
<tr>
<td>Service Truck</td>
<td>Dodge</td>
<td>$49,732.00</td>
<td>Clinton, SC</td>
</tr>
<tr>
<td>Chevrolet</td>
<td>Love Chevrolet</td>
<td>$51,571.00</td>
<td>Columbia, SC</td>
</tr>
<tr>
<td>Ford</td>
<td>Vic Bailey Ford</td>
<td>Expired</td>
<td>Spartanburg, SC</td>
</tr>
</tbody>
</table>

Benefit: This equipment is used daily in the operation, maintenance, and construction of the wastewater collection system. Four vehicles will be replaced as part of this purchase.

Funding: This purchase will be funded by the Wastewater Department capital equipment budget of $120,000 for FY2019.

Recommendation: Staff recommends the approval of $129,180.00 for the following:

- Two 4X2 Truck $49,726 from Copper Motors in Clinton, SC
- One 4X4 Truck $29,722 from Copper Motors in Clinton, SC
- One Service Truck $49,732 from Copper Motors in Clinton, SC

Action Requested:

X General Approval
City of Anderson
Council Agenda

Title/Description: New Business

Request consideration of an ordinance approving a project agreement and credit agreement with Project Accommodation; authorizing the disposition of real property; consenting to placement of real property into multi-county industrial or business park; authorizing the execution and delivery of additional documents; and other related matters.

Executive Summary:

Background:

One of the primary missions of the City of Anderson is to encourage development and improve the tax base and enhance the livability of the Anderson Area.

Benefit:

The development will directly and beneficially affect the economy of the city with an estimated investment of more than ten million dollars.

The public interest of the city will be served to a substantial degree by undertaking the development because of the significant capital investment and job creation.

Recommendation:

City Staff recommends that the Ordinance be passed.

Action Requested:

X Ordinance 1st Reading  ___ Information Only

___ Ordinance 2nd Reading  ___ General Approval

___ Resolution  ___ Other
ORDINANCE NO. ____________

APPROVING A PROJECT AGREEMENT AND A CREDIT AGREEMENT WITH PROJECT ACCOMMODATION; AUTHORIZING THE DISPOSITION OF REAL PROPERTY; CONSENTING TO PLACEMENT OF REAL PROPERTY INTO MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK; AUTHORIZING THE EXECUTION AND DELIVERY OF ADDITIONAL DOCUMENTS; AND OTHER RELATED MATTERS.

WHEREAS, South Carolina law authorizes municipalities to take actions not inconsistent with the Constitution and general laws of the State, regarding any subject the municipality finds necessary and proper for the general welfare and convenience of the municipality, including to execute and deliver contracts, to assist in redeveloping blighted areas, and to expend public funds for economic development;

WHEREAS, Project Accommodation (“Developer”) owns, or intends to purchase, real property (the “Property”) in the City of Anderson, South Carolina (the “City”) and to develop the Property;

WHEREAS, on the Property, Developer intends (a) to design and construct a hotel consisting of approximately 100 rooms, and (b) to design and construct various, general commercial/retail facilities, (collectively, the “Development”);

WHEREAS, Anderson County, South Carolina (the “County”) and Greenville County, South Carolina (collectively, the “Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and South Carolina Code Annotated Sections 4-1-170, 4-1-172 and 4-1-175 (collectively, the “Act”) have created or will create a multi-county industrial or business park (the “Park”);

WHEREAS, the Counties are seeking to include the Property described in the Project Agreement (as defined below) within the Park;

WHEREAS, since the Property is located in the City, it is required by the Act that the Counties obtain the consent of the City prior to the inclusion of the Property in the Park;

WHEREAS, the City intends to assist with the Development by (a) disposing of real property owned by the City, as more particularly described in the Project Agreement (defined below), to be used as Property, (b) assisting with the construction and financing of parking facilities in the Development site’s proximity, (c) providing Developer with development grant funds; (d) agreeing to certain infrastructure tax credits against the City’s portion of fee in lieu of tax payments to be paid by the Developer with respect to the Development; and (e) consenting to the inclusion of the Property in the Park;

WHEREAS, the City, the County and Developer have memorialized each party’s respective commitments in (a) a development agreement, the substantially final form of which is attached as Exhibit A (“Project Agreement”), and (b) an Infrastructure Credit Agreement, the substantially final form of which is attached as Exhibit B (“Credit Agreement”); and

WHEREAS, performance by the City of its obligations under the Project Agreement and the Credit Agreement will advance proper public purposes, and will benefit the City as a whole. The ultimate goals and benefits to the public intended by the Development are multiple, including, but not limited to: the inducement of capital investment in the City by commercial and tourism-related businesses, the creation of jobs in the City by those businesses, the attraction of tourists to the City and, thereby, the enrichment of the quality of life for the citizens of the City. The public will be the primary beneficiary of the Development. The significant capital investment and job creation to be facilitated by the Development will enhance the
tax base of the City and will promote the development of trade, use of resources, and attraction of tourists to the City. The Development will directly and beneficially affect employment and the economy of the City. The benefits of the Development are not speculative. As demonstrated by the City’s prior success in promoting economic and commercial development in the City’s downtown area, the undertaking of the Development will, to a great degree of certainty, result in significant capital investment, job creation and attraction of tourists. The public interest of the City will be served to a substantial degree by undertaking the Development because the significant capital investment and job creation will enhance the tax base of the City and will promote the attraction of tourists to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ANDERSON THAT:

1. The City hereby authorizes the Mayor or the City Manager to execute and deliver such documents (including, but not limited to, deeds or contracts for sale) as may be necessary or useful to effect the sale of the Property to the Developer in furtherance of the Development. The City hereby further authorizes the Mayor or the City Manager to execute and deliver such documents or agreements (including, but not limited to, a memorandum of understanding) as may be necessary or useful in connection with the development of parking facilities in proximity to the Development site.

2. The Project Agreement, with whatever changes are (a) not materially adverse to the City and (b) approved by the Mayor or the City Manager (after advice of City’s counsel), is approved and is incorporated by reference in this Ordinance as if set forth fully in the Ordinance’s body. The Mayor’s or City Manager’s execution of the final Project Agreement shall be conclusive evidence of the City’s approval thereof.

3. The Credit Agreement, with whatever changes are (a) not materially adverse to the City and (b) approved by the Mayor or the City Manager (after advice of City’s counsel), is approved and is incorporated by reference in this Ordinance as if set forth fully in the Ordinance’s body. The Mayor’s or City Manager’s execution of the final Credit Agreement shall be conclusive evidence of the City’s approval thereof.

4. The City consents to the inclusion of the Property in the Park for so long as the City receives from the County a distribution of Net Fee Payments (as defined in the Credit Agreement) based on the percentage that the City’s millage bears to the total millage applicable to the Property for the applicable tax year, such calculation to be made after payment of a portion of the Net Fee Payments to Greenville County in accordance with the Counties’ agreement to develop the Park.

5. The Mayor and the City Manager are, each acting alone or in concert, authorized to take whatever actions and execute and deliver whatever documents (including the Project Agreement and the Credit Agreement) as either of them deems appropriate to effect this Ordinance’s intent.

6. This Ordinance is effective after second reading.
ADOPTED THIS _________ DAY OF __________________, 2018.

ATTESTED TO:

Margot B. Martin  
City Clerk/Treasurer  

Terence V. Roberts, Mayor

Donald G. Chapman

APPROVED AS TO FORM:

J. Franklin McClain  
City Attorney  

Matthew C. Harbin

Richard A. Laughridge

Kyle L. Newton

Jeffrey D. Roberts

John M. Roberts

James A. Stewart

REVIEWED BY:

Beatrice R. Thompson, Mayor Pro Tem

Linda P. McConnell  
City Manager  

COUNCIL MEMBERS
EXHIBIT B
SUBSTANTIALLY FINAL FORM OF CREDIT AGREEMENT
[TO BE ATTACHED BEFORE TRANSMISSION TO COUNCIL FOR SECOND READING]